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ABSTRACT

A faculty adviser to the student newspaper at Loyola College, a small Catholic liberal arts college in Maryland, encountered difficulties concerning First Amendment rights. Previous efforts to establish guidelines for the student press by factions in the administration had failed, and the student newspaper has been able to solidify its First Amendment position with the help of the faculty and the Writing/Media Department. In this process the student press had to fend off challenges for control from student government, threats of economic censorship, and other assaults that paid no heed to judicial precedents. Internal fiscal malfeasance by some of the editors and a failure of the fiscal oversight responsibility of the student government also threatened the paper's existence. Through a series of events, which included setting up a new student newspaper in the Writing and Media Department and not seeking a direct budget allocation from student government, the paper has begun a process of extricating its fiscal control from the student government. In the paper's fight against censorship and for academic freedom, the student journalists, who worked with the faculty adviser to effect change, have liberated the student newspaper from improper constraints--and did so within the established governance procedures. (MS)

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PROFESSORS CAN BE FRIENDS OF A FREE PRESS TOO

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Paper delivered at the College Press Convention, College Media Advisers and Columbia Scholastic Press Association, New York City, March 17, 1988.

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PROFESSORS CAN BE FRIENDS OF A FREE PRESS TOO

It was the autumn of 1983. I had come to the Jesuit campus of Loyola College in Maryland as an associate professor in the Writing and Media Department. My mission: to set up a communications major in the newly formed academic unit. Incidentally, I was to take over as faculty adviser to the student newspaper. My mandate: integrate the paper into the curriculum as a means of improving its standards.

As I planned the semester, advising the student newspaper seemed to be the least of my worries. But I was to find out rather quickly that my 25 years as a professional and as a publisher had not prepared me to deal with the arcane world of campus journalism. I found out much later that it isn't a job to be assigned to a non-tenured faculty member, unless he or she is independently wealthy.

Most faculty advisers' first brush with administrative displeasure will normally come through a dean, sometimes a vice-president, and occasionally a president. Would that my first encounter had been so lowly.

It all began with a rather friendly review of a book on abortion, liberally excerpted by the reviewer to provide a mini-guide to the abortion process and available support services. Having attended and worked in public or secular colleges in the past, I did not think such a tactic objectionable even though my personal views ran counter to the topic.

Then came THE LETTER. The president forwarded it to me after receiving it from the Archbishop of Baltimore to whom it was addressed by the Papal Nuncio, the Vatican's diplomatic ambassador to the United States. Catholics sweat when such events occur. Visions of excommunication, chains, a tribunal in Rome, recantation flashed momentarily through my mind. I prayed for a media board, but there was none to be found on campus. Echoes of the Inquisition die hard.

To the outsider, it would seem that every vestige of personal liberty could be ground up in the great maw of Mother Church. The many constituencies of the church-affiliated college loom as a viperous hydra able to strike from any direction. Fortunuately, the stereotype wouldn't stick at Loyola.

It seems that a student showed a copy of <u>The Greyhound</u> to her parish priest, a Loyola alumnus, who objected to the abortion article and sent a copy along with a letter of complaint to the Papal Nuncio. I drafted a letter of explanation that wended its way back through the hierarchy and which explained that it was in the American tradition of

free expression that even the most controversial ideas were aired. We further pointed out that the article was a review and not a position of the paper and, most importantly, that the college was not espousing a moral position in contravention of church teaching.

While I was relieved that we had not provided grist for Fr. Guido Sarducci's gossip column in Oservatore Romano, I followed up with our precocious reviewer. Apparently, she had reviewed the book because a free copy arrived at the office and it conformed with her pro-choice sentiments. I suggested that rather than use a book review as another form of political expression, the paper should establish a book review department with a book editor and operate in a professional manner. Then choices of books to review could not be so easily singled out as deliberately inflammatory, and the faculty advisor and the administration would have a context within which to fend off criticism.

I was delighted that this small, prestigious, Catholic, liberal arts college was such a gutsy place. But then came another careless incident that reeked of defamation and libel. A cartoon depicting the Dean of Students as an infectious agent for the AIDS virus appeared in the paper. Having seen a mock up of the cartoon several weeks earlier, I had pointed its liabilities out. But an unexpected hole in the feature pages led to an editor grabbing anything for fill at the last moment. When the editor-in-chief found out about it, he had the few remaining newspapers pulled from the campus stands as a gesture of

good faith.

Too late. The administration set up a faculty-student publications board to establish guidelines for all campus media. Heading the group was the campus' most orthodox Catholic, arch political conservative, and academic traditionalist. But she did not convene the group until a week before the summer break. She immediately proposed a motion that the board disband itself as having no standing to regulate the student press. There was unanimous agreement. Surprise.

Thus we see two incidents at Loyola in which the faculty and administration stood tall for a free press --the administration deflecting serious criticism from off the campus and the faculty refusing to be co-opted by the administration on the campus. Three years would lapse before another attempt by a faction in the administration to establish a media board --this time without faculty involvement.

The way this latest thrust was parried is on constitutional grounds that flies in the face of interpretations of the Hazlewood decision. But before discussing that tactic and Hazlewood, we need to examine the process by which the Loyola student newspaper is solidifying its First Amendment position with the help of the faculty and the Writing/Media Department.

Like many student papers, The Greyhound was funded through an

allocation by the student government and advertising revenues, split 50 - 50. All purchase orders had to be approved by the student government and surplus funds in the paper's account at the end of the year were returned to the student government.

Such an arrangement can put a paper in a very vulnerable position. In 1979 the student senate at Pikes Peak Community College cut off all funding for the campus paper because of objections to its reporting and editorial policies. This despite a federal court ruling in 1973 that protects papers from censorship by the withdrawal of economic support. At California State University -Dominguez Hills, the student government took a different tack and simply tried to stack the paper's governing board until the president of the college intervened.

Assaults on the student press can come from both student governments and from the administration. And neither pays any heed to the judicial precedents that might impede them, either out of ignorance or out of a knowledge that few students or student papers have the means to pursue a court challenge. Most college administrations are content to sit on the sidelines and let the student journalists and the student legislators battle it out in a no-win situation --a simple case of divide and conquer.

De facto economic censorship has been a way of life at Loyola. The purse strings are held so tightly by student government that the paper often tempers its position and coverage at times of financial

need. Some of the ways that the economic pressure is maintained include:

--refusal to permit the paper to pay commissions to ad salespeople,

--a constant hassle to roll over surplus funds from one fiscal year to the next,

--refusal to convert club budget to a mass subscription,

--slow purchase order processing depriving paper of timely services and supplies,

--slow payments to the printer,

--failure to pay salaries of non-college personnel for setting type, thereby creating a crisis,

--denying editors travel money to attend conferences of student editors, and

--refusing to pay expense money to the full amount.

There are essentially four empowered constituencies on a campus: the student press, student government, faculty and administration. When the student press can ally itself with any one of the other three, it can usually thwart encroachments on its freedom and independence.

The Loyola administration's support for a co-curricular newspaper within the context of a communications major unwittingly created a faculty-student alliance that would set in motion an attempt to codify the existence of a "free press" liberated from the stifling clutches of the student government and the student development

administrators. The original thought of the administration and the faculty had been to improve the quality of the paper, to make it a showcase for the emerging Communications major, and to free it from the uneven tenure of a self-perpetuating editorial cadre whose primary interests were often political and not journalistic.

The administration hoped a co-curricular status would lead to "responsible journalism" and an end to an adversarial relationship with the paper that resulted in a constant stream of attacks both in the editorial and news columns. "Responsible" has become a buzz word in many instances for launching attacks on student press freedom.

Responsible to whom for what? Usually administration types mean responsibility to institutional values that support public relations objectives of the college. Journalism faculty mean responsibility to the constitutional values that support the journalistic objectives of a free press. These values encompass fairness, accuracy, balance, objectivity, and respect for the commonly accepted legal restraints on the press.

Not having checked our definitions, the faculty and administration were in concordance on a co-curricular paper. There was a tradition on the campus of a free student press going back more than 50 years. Never had an editor or reporter been expelled or removed, but neither had too many editors risked such action. It was clear that any change in the paper's status could not come by administrative

fiat. The students had to want it.

Time was on the side of change. The predicted growth of the Communications major began to filter more dedicated and professionally motivated student journalists onto the staff. As students experienced the learning curve extending from the class to the newspaper, a relationship of confidence developed between them and the faculty adviser, who eschewed any hint of pre-publication censorship. Meanwhile, the administration refrained from heavy-handed reactions to the more egregious editorial transgressions.

Thus the stage was set for change. Some key editors on the paper uncovered evidence of fiscal malfeasance by other editors and a failure of the fiscal oversight responsibility of the student government. They joined forces with the faculty adviser and quietly tried to oust the incumbents in the annual election for editors. They failed.

Still, not wanting to go public and besmirch the paper's reputation, the dissident editors confronted the incumbents with their evidence. One resigned but the editor-elect held on. The dissidents then moved to phase 2 of a carefully orchestrated plan.

A sequence of events was set in motion by the resignation of the faculty adviser. This came at a time when all student organizations, including the paper, must annually submit their charters to the

student government for approval. The dissident editors decided to submit a competing charter for the single budget allocation that the student government would make for a newspaper. The adviser responded that he would act as adviser to a new publication only if it were tied to the curriculum. The dissident students, convinced that they were more secure in the faculty's embrace than that of the student government or the administration, garnered support from key administrators (who were already predisposed).

This faculty-administration phalanx turned the proposal for an alternative student newspaper into a juggernaut. Students who were skittish about the arrangement switched when they saw that the co-curricular paper was the only concept that could oust the entrenched newspaper. They submitted a charter for the Green & Grey to the student government as did the few remaining editors for The Greyhound.

The dissident editors then delivered the crushing blow by releasing documentation of gross mismanagement by the current newspaper leadership and the near insolvency of the paper. The student government froze the budget of the paper and suspended publication of the last six issues rather than let due process take its course against the offending editors. This final act of interdicting the newspaper made the dissident editors fully aware of the threat posed by totally external fiscal and managerial authority over the paper. The dissident editors had hoped that they could just move in to continue The Greyhound's tradition of uninterrupted

publication.

Against this background, the competing newspaper groups submitted charter and budget requests. The old group could not even find a faculty adviser to sponsor them, and by vote of the student government a new newspaper was born.

Thus it was that faculty and students cooperated to extricate the student newspaper partially from the misplaced control of the student government. The paper's constitution, which had been accepted by the student government, the Writing and Media Department, and the administration, positioned the paper in the academic department.

But just when the battle seemed to be over, it was rejoined. This time the administration gave some ominous signals. The new student government wanted to absolve itself of all responsibility for the newspaper, and so told the administration. But the administration rebuffed their offer, which would have put the newspaper squarely within the academic department. The rationale for this turnabout was never explained, but events the following year lent some clarity.

Meanwhile, the editors made a crucial but legally wise decision. First, they refused to submit a charter for the following year, claiming that as a co-curricular organization they were no longer a club. Second, they sought no direct budget allocation from student government, asking instead for the student government to purchase a

group subscription on behalf of the students --a request that was refused. The paper then declared that it would operate solely out of advertising revenues while seeking total affiliation with the Writing and Media Department. Since the paper's accounts were still controlled by the student government, the paper requested that its surplus advertising revenues be rolled over into the next fiscal year. The student government obliged.

In the Fall 1987 semester the Dean of Student Development placed before the college's Student Life Commission a proposal for a Media Board that would replace the student-faculty controlled Board of Publishers. The Media Board would be administration controlled and precluded participation by the faculty adviser and the student editors. The entire college community was shocked. The most common question that the faculty asked me was, "What did the paper do?" The paper had just completed a successful year which was recognized by a First Class rating in the annual ACP competitions, quite an accomplishment for a first year publication.

There was some administration pique at being shut out of the Board of Publishers and its inability to have the paper pull two controversial running ads: one seeking to adopt white babies and the other selling research papers. The editors ran the ads on the grounds of fiscal necessity, trying to use them as a pressure tactic in forcing the student government to authorize sales commissions that would enable the paper to build a sales force. Had the student

government and the administrators in that area not attempted to use economic pressure to prevent the paper from growing strong and independent, the confrontation over ads would never have developed. The threat of the Media Board caused the student editors to backtrack and refuse to accept such ads again.

It seemed that the student-administration coalition on the Student Life Commission was strong enough to carry the Media Board proposal. The student editors felt that the only escape was a formal request to the Writing and Media Department to assume full responsibility for the newspaper. The department agreed in principle and the Media Program Coordinator (myself) ruled that all journalism courses would incorporate an experiential module based on participation on the newspaper. For instance, 20% of the grade in Basic News Writing is based on work for the student paper.

Faculty from other departments independently approached the media faculty offering support. This move coalesced in the formation of a Faculty Senate Committee to investigate the origin and meaning of the Media Board proposal. Central to the faculty's concern was an issue of academic freedom, since the paper was now effectively a lab for communications majors.

As mysteriously as the Media Board proposal had surfaced, it was precipitously withdrawn. The one-line oral report by the committee, "The administration has withdrawn the Media Board Proposal," brought

loud cheers on the floor of the Faculty Senate, a victory whoop never before heard in that usually sedate sanctum.

The process of liberating the student press at Loyola is not over yet, but the die is cast. The paper continues to publish and function outside of normal governance channels, refusing to file a charter with the student government and refusing to accept a budget allocation. The student government controls the space used by the paper as editorial offices, and the leadership is still mulling the implications of the paper's offer to pay a nominal rent for the space. It is clear that the editorial group that publishes the paper can rent space off campus if pushed in that direction.

The paper is in the process of extricating its fiscal control from the student government. The Writing and Media Department has an open account with the college's business office to receive student newspaper revenues in the event of a fiscal showdown with the student government over control of newspaper-generated advertising revenues. There is the added wrinkle that the paper could set up an off-campus commercial bank account since it technically does not have the official status of a club. This last development involves a separation of the newspaper from the college that none of the constituencies involved desire.

There is a strong sentiment all around to maintain a clear faculty involvement in the paper. The close cooperation between the

academic department and the paper has resulted in an increased staff, improved production quality and higher journalistic standards. There is a strong bond of confidence between the faculty adviser and the student editors: that the from the faculty will come advice rooted in the highest journalistic standards and values and that the editors will attempt to serve the interests of the entire collegiate community in a non-adversarial way. The old "us-against-them" attitude that politicized the paper and polarized the community five years ago has effectively been eradicated.

Any newspaper operating on a Catholic campus --or any denominational campus-- will always have to function against a backdrop of dogma and belief that injects a moral/ethical content into editorial decisions. The position of The Green & Grey is that "news is news, and if it happens or is said on the campus we are going to cover it." But it is on the opinion pages, and sometimes on the feature pages, that the editors practice a form of self-restraint that is consistent with any newspaper that has defined its market or audience. That is why we haven't seen a pro-choice editorial in The Green & Grey, which covers a community that is overwhelmingly anti-abortion. The free distribution of the paper makes it vulnerable to market forces that could make such an issue disappear quickly from the distribution stations. In this one sense a student newspaper on a denominational campus is more kin to the specialized or trade press than to the consumer press.

Purists will say that the trade or specialized press isn't really "free," that it is held hostage by market forces. But so is The New York Times, which will not pander to prurient interests, while The New York Post depends on raciness --each to serve its own market. The photos that appear in the London tabloids are not acceptable in any American newspaper, including the supermarket tabloids. Student journalists who develop a sense of propriety based on market or audience have donned the cloak of professionalism. At one time or another every journalist accepts the "censorship" of his or her editors, but this is in the tradition of a free press that protects self-regulation by newspapers, each to its own standard.

When the college administration is convinced that the student newspaper is striving to maintain professional standards, much that would normally raise their hackles is ameliorated. For instance, last year The Green & Grey ran a front-page story on AIDS and safe sex that was rather explicit. Not only was there no letter from the Papa Nuncio, there was nary a complaint from any campus quarter. When the campus literary magazine published a rather graphic short story on a homosexual theme, a top administration official went out of his way to tell the editor that though the theme wasn't to his liking, he thought the piece had literary merit and not to worry about recriminations.

Freedom is infectious, and I am convinced that the Loyola editors could now tackle even the most controversial subjects with a

sensitivity that would not incur overt college acts against them or the newspaper. That is what can happen when faculty and students join forces, when the lessons of the classroom spill over into the operations of the paper.

There used to be a time when faculty and students were journalistic partners on most campuses. But then came the Vietnam war and the new journalism, which politicized student journalists and opened the door of the campus newspapers to political activists who wanted to use the press to further their own agendas. Infuriated college administrations penalized the academic departments that sponsored these journalistic hijinks, and so the faculty disengaged from student papers. On the larger campuses these papers became independent (separately incorporated) and on the smaller campuses the administration established tighter controls.

But as journalism departments and programs have proliferated, it has become clear that preparation for a career in journalism is not served by an anachronistic student newspaper. We can't teach one set of principles in the classroom and remain neutral concerning their application to campus media, especially when we are asked to serve as advisers or sit on publications boards. Faculty must work with students, using the curricular shield of academic freedom, to improve journalism education and protect First Amendment rights of student newspapers and campus journalists.

There is some concern that the U.S. Supreme Court's Hazlewood decision would adversely impact any college paper tied to the curriculum. The Court ruled, "Educators do not offend the First Amendment by exercising editorial control over the style and content of student speech in school-sponsored expressive activities so long as their actions are reasonably related to legitimate pedagogical concerns."

Let's not forget that the Court was talking about a high school situation in which almost all the students are minors and protecting students from disruption or public humiliation could be considered a legitimate function of school authorities in loco parentis, which holds the "the teacher is the substitute of the parent." In high schools the long reach of the administration can obviously penetrate the classroom, but a college administrator's authority stops at the classroom door. It's called academic freedom, and it is a principle taken much more seriously on a college campus than perhaps at a high school.

The Hazlewood decision cites "legitimate pedagogical concerns," and most faculty would tell you that academic freedom precludes any administration from a legitimate intrusion into pedagogy, which is the art, manner and content of teaching and all its byproducts from term papers to school newspapers. Teaching is the sole and legitimate concern of the faculty and the academic department.

Academic Freedom is one of those amorphous concepts, like Freedom of the Press, which is rooted deeply in the First Amendment. Its definition is subject to the judicial and legislative unpredictability of contemporary social climate. This is what Howard Bowen, Chancellor of Claremont College wrote about academic freedom in 1975:

"Academic freedom is usually thought of as the right and duty of individual professors to seek and to speak the truth, but this concept is only part of academic freedom.... Academic freedom implies wide scope for internal decision making based on professional judgment. It does not justify social irresponsibility. Indeed, a major task of institutional boards and administrators is to ensure that both the academic community serves society and the society does not take over the university.

"This kind of academic freedom has always been fragile.... Nevertheless, the tradition of academic independence has survived. Such independence is valued for several reasons. It enables members of the academic community to seek and to speak the truth. It gives professional people, who are better qualified than most lay groups, a decisive influence over the advancement of knowledge. It frees the university to fill an indispensable role in social and artistic criticism. It creates incentives for institutional excellence by encouraging faculty and students to participate in matters affecting them...

"This kind of academic freedom enables the campus to be one of the few places in our society where ideas can be freely explored and few restrictions are imposed by official ideologies....

"Academe needs independence for the same reasons that the law courts and the communications media, which also have responsibilities for the truth, need it."

I believe the shield of academic freedom should be extended by journalism faculties to the campus press at those institutions that are too small to support an independently incorporated press. Most colleges do not like to confront academic freedom issues because they are a lightning rod for concern by accrediting bodies, by national honor societies (such as Phi Beta Kappa), and by such organizations as the American Association of University Professors (AAUP).

In fact, it was former AAUP president Edward C. Kirkland who in 1950 had the harshest words for would-be censors: "We should exclude from the academic arena not only those who are incompetent and dishonest but those of such authoritarian mind that they do not believe in the practice of free inquiry and who, if they were in power, would deny its exercise to others, perhaps on the specious justification that error cannot be given the same opportunities as truth."

At Loyola College the "academic freedom" issue was an important

rallying point. It galvanized the interest and sympathy of faculties in disparate disciplines. It prompted an official faculty inquiry into the matter. And it forced the involved administrators to beat a hasty retreat.

But even more importantly, the student journalists worked with the faculty adviser to affect change, to liberate the student newspaper from improper constraints --and did it within the established governance procedures. There was a dark moment when the paper editorially groused about getting outside legal support, presumably from the American Civil Liberties Union. But in the end they rejected a self-centered pursuit of their objectives that would tear the college community apart. Instead, they would maneuver, cajole and persuade --relying on the good sense of an administration that did not have a history of censorship nor the stomach for it.

The administrator responsible for proposing the media board had called it a "preventive measure". We were quietly amused that a Catholic college would advocate the use of an editorial condom. But that moral inconsistency aside, the ethics of establishing such a board were suspect. It would be like inviting members of the Reagan White House staff to sit on the board of directors of The Washington Post, with Jesse Helms serving a chairman of the board.

A final caveat. There is no mandate for any faculty member, journalism or not, to take up the cudgels of a free press on campus.

But once the administration involves you as a faculty adviser or once a publication is the product of a class activity, then at least the journalism professor has an ethical responsibility to support the First Amendment rights of student journalists.